

NOTICE RE JUDGE PETER H. CARROLL'S PROCEDURES FOR DISPOSITIONS WITHOUT ORAL ARGUMENT AND TENTATIVE RULINGS

Unless otherwise ordered by the court, the following procedures govern dispositions without oral argument and tentative rulings in matters pending before Judge Carroll:

1. If a matter has been adequately noticed and the evidentiary record has closed,¹ the court may issue a "Tentative Ruling" or make a disposition without oral argument by issuing a "Final Ruling."
2. Dispositions without oral argument and tentative rulings normally are issued not later than 3:00 p.m. on the day preceding the scheduled hearing.
3. Dispositions without oral argument and tentative rulings may be viewed by checking Judge Carroll's calendar on the court's website. To view the calendar, click on "Tentative Rulings" under Calendar Information on the court's website, www.cacb.uscourts.gov.
4. **Dispositions Without Oral Argument.** When a "Final Ruling" is issued, appearances are excused and the matter is not called nor heard by the court. **NO APPEARANCE IS NECESSARY.** The "Final Ruling" is incorporated into the minutes. The "Final Ruling," however, may not be a final adjudication of the merits of a matter. If the parties have agreed to a continuance or have resolved the matter by stipulation, they may so advise chambers and the "Final Ruling" will be vacated in favor of the continuance or stipulation. Parties who cannot so advise chambers at or before the calendared hearing must make provision for vacating any order entered by the court based on the "Final Ruling" in the written stipulation or proposed order submitted to the court pursuant to LBR 9021-1(b).
5. **Tentative Rulings.** When a "Tentative Ruling" is issued, appearances are not excused. **APPEARANCES ARE REQUIRED.** The court will call for hearing any matter that has a "Tentative Ruling." The "Tentative Ruling" is subject to change, either as a result of argument presented at the hearing or as a result of further consideration by the court. A moving party's failure to attend the hearing in reliance on a "Tentative Ruling" may result in denial of the motion for failure to prosecute. An opposing party that fails to

¹ If a written response to a motion is not timely filed, the evidentiary record closes 14 days prior to the date of the hearing. See LBR 9013-1(f) & (h). If a written response to a motion is timely filed, the evidentiary record closes 7 days prior to the date of the hearing. See LBR 9013-1(g).

attend the hearing on a motion that it has opposed will be deemed to have withdrawn its opposition to the relief requested in the motion.

6. Counsel appearing on matters to be called for hearing may arrange to APPEAR TELEPHONICALLY in accordance with Judge Carroll's telephonic appearance procedures. Those appearing telephonically must review and be familiar with the tentative ruling.
7. After the hearing, a proposed order may be submitted electronically via the Lodged Order Upload program ("LOU") in accordance with the LOU Procedures contained in Section 4 of the Court Manual posted on the court's website. **Except as provided by LBR 9021-1(b)(1)(B), a proposed order must not be submitted prior to the hearing absent permission of the court.**
8. Dispositions without oral argument and tentative rulings WILL NOT be issued on the following matters: (a) confirmation hearings in chapter 9, 11, 12 & 13 cases; (b) status conferences; (c) trials or evidentiary hearings; (d) hearings on orders to show cause (e) emergency motions; (f) matters set on shortened notice, and (g) hearings on reaffirmation agreements.